

House Bill 957

By: Representatives Powell of the 171st, Willard of the 49th, Jacobs of the 80th, Ramsey of the 72nd, Collins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions regarding pardons and paroles, so as to provide that restitution shall be a condition of parole in certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions regarding pardons and paroles, is amended by revising Code Section 42-9-44, relating to specification of terms and conditions for parole, as follows:

"42-9-44.

(a) The board, upon placing a person on parole, shall specify in writing the terms and conditions thereof. A certified copy of the conditions shall be given to the parolee. Thereafter, a copy shall be sent to the clerk of the court in which the person was convicted. The board shall adopt general rules concerning the terms and conditions of parole and concerning what shall constitute a violation thereof and shall make special rules to govern particular cases. The rules, both general and special, may include, among other things, a requirement that the parolee shall not leave this state or any definite area in this state without the consent of the board; that the parolee shall contribute to the support of his or her dependents to the best of the parolee's ability; that the parolee shall make reparation or restitution for his or her crime; that the parolee shall abandon evil associates and ways; and that the parolee shall carry out the instructions of his or her parole supervisor, and, in general, so comport himself or herself as the parolee's supervisor shall determine. Notwithstanding the board's authority to require by rule that a parolee make reparation or restitution for his or her crime, if reparation or restitution was part of the parolee's original sentence, then such reparation or restitution shall be a condition for the parolee's parole. A parolee whose parole is conditioned by reparation or restitution of his or her original

crime shall have six months from the date of his or her parole to make such reparation or restitution. A violation of the terms of parole may render the parolee liable to arrest and a return to a penal institution to serve out the term for which the parolee was sentenced.

(b) Each parolee who does not have a high school diploma or a general educational development ~~equivalency diploma~~ (GED) diploma shall be required as a condition of parole to obtain a high school diploma or general educational development ~~equivalency diploma~~ (GED) diploma or to pursue a trade at a vocational or technical school. Any such parolee who demonstrates to the satisfaction of the board an existing ability or skill which does in fact actually furnish the parolee a reliable, regular, and sufficient income shall not be subject to this provision. Any parolee who is determined by the Department of Corrections or the board to be incapable of completing such requirements shall only be required to attempt to improve ~~their~~ his or her basic educational skills. Failure of any parolee subject to this requirement to attend the necessary schools or courses or to make reasonable progress toward fulfillment of such requirement shall be grounds for revocation of parole. The board shall establish regulations regarding reasonable progress as required by this subsection. ~~This subsection shall apply to paroles granted on or after July 1, 1995."~~

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.